

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

20 CV 0082

Gregory Destine
Write the full name of each plaintiff.

No. _____
(To be filled out by Clerk's Office)

-against-

The City of New York
Officer Joseph

COMPLAINT
(Prisoner)

Do you want a jury trial?
☒ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.



NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other: _____

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

<u>Gregory</u>	<u></u>	<u>Destine</u>
First Name	Middle Initial	Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

NYSID # 01798272M

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Q.B.C.C.

Current Place of Detention

1600 Hazen Street

Institutional Address

<u>East Elmhurst</u>	<u>NY</u>	<u>11370</u>
County, City	State	Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced prisoner
- ☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

First Name	Joseph	Shield #
Last Name	5012196	
Current Job Title (or other identifying information)		
NYCPD PCT014		
Current Work Address		
County, City	State	Zip Code

Defendant 2:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

Defendant 3:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

Defendant 4:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: New York County, NY.

Date(s) of occurrence: November 05, 2017

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

On November 05, 2017 I went to pick up my girl friend from Penn Station. When I arrived, she was waiting for me at the bottom of an escalator. She told me that her stomach hurts and she wanted me to take her to the hospital. At this time 2 officers approached me and started to search me. I told the officer that he was in violation of my 4th amendment right against search and seizure. I told both officers that there was no probable cause to search me because I did not commit any crime. They continued to search me even though they failed to show probable cause. Finding a knife on me, he arrested me and my girlfriend at the time. I asked him why did he arrest me since I didn't do anything wrong and they were violating my 4th and 14th Amendment rights. Played a video and said I was choking my girlfriend in Penn Station. where every body was walking pass us not even looking at us which my girlfriend wrote a statement stating that I never assaulted her and that I was taking her to the hospital. ultimately, I was sent to Jail and my case was a misdemeanor with \$5,000 bail, on February 15, 2018 my lawyer told me that my case was raised to a class E Felony. I asked to go to Grand Jury and it

I was forced to go to trial without any pre trial hearing. At trial, they showed the video to the jury they acquitted me after watching the video.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Psychological stress from being unfairly incarcerated, Assaults by inmates and staff

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

I would like compensatory damages. I am asking for \$10 million dollars for 10 months away from my life, for being kidnap and held hostage against my will and suffering. I am also seeking compensatory damages for violation of my 4th and 14th Amendment rights against search and ~~seizure~~ seizure my right to due process of the law.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

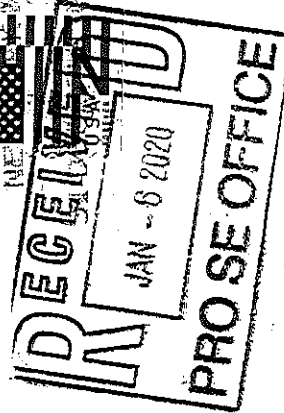
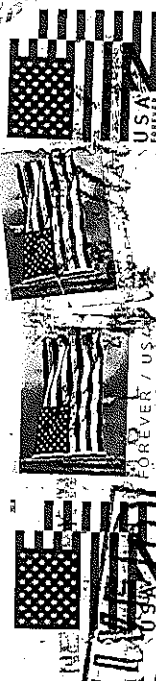
I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

12/05/19 _____
 Dated _____ Plaintiff's Signature _____
 Gregory _____ Destine
 First Name Middle Initial Last Name
 1606 Hazen Street
 Prison Address _____
 East elmhurst NY 11370
 County, City State Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: 11/07/2010

Gregory Destine
Bk 140-19-01218
1600 Hazen str
East Elmhurst NY 11370



2020 JAN - 2 1 11 3: 34

Q2 SC United States District Court
Southern District of New York
500 Pearl Street New York, NY 10007

10007-133099

